

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JANE C. EDMONDS, Director of the
Commonwealth of Massachusetts
Department of Workforce Development,

Plaintiff,

v.

ELAINE L. CHAO, Secretary of Labor; and
UNITED STATES DEPARTMENT OF
LABOR,

Defendants.

Civil Action No. 05-10717 RGS

DEFENDANTS' MOTION TO DISMISS AND TO TRANSFER

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and 28 U.S.C. §1631, defendants Elaine L. Chao, Secretary of Labor, and the United States Department of Labor, hereby move to dismiss this action for lack of subject matter jurisdiction and to transfer this action to the United States Court of Appeals for the First Circuit. The reasons for the foregoing motion are set forth in the accompanying Memorandum of Law.

OF COUNSEL

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Respectfully submitted,

MICHAEL J. SULLIVAN

United States Attorney

By: /s/ Mark T. Quinlivan

MARK T. QUINLIVAN

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Dated: June 16, 2005

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(a)(2)

Pursuant to Local Rule 7.1(a)(2), I certify that, on June 14, 2005, I conferred with counsel for the plaintiff, Juliana Rice, Assistant Attorney General, regarding this motion. Assistant Attorney General Rice indicated that she would reserve judgment until she had had an opportunity to review the motion and supporting memorandum.

/s/ Mark T. Quinlivan

MARK T. QUINLIVAN

Assistant U.S. Attorney